

Commissioner Lively:

- stated that septic treatment is one of the most important topics for quality of life;
- stated that farm land preservation is also important for quality of life; and
- encouraged the Assembly to pursue these topics.

Commissioner Webster agreed that a septic treatment facility is a number one priority and that water quality is important.

Commissioner Masteller spoke to septic treatment facilities with technologies that can yield drinking water quality.

Assemblymember Simpson stated that a septic treatment facility is needed, but the hard part will be determining where it will be located.

Assemblymember Vehrs:

- stated that a septic treatment facility is a component in responsible development; and
- stated that she hopes that NRCS will be working with the Borough on preservation of the agricultural land in this area.

Assemblymember Woods stated that she hopes that the Borough can work towards creating the match for the agricultural land preservation.

Assemblymember Colver voiced concern regarding high-density development and the impacts to our groundwater and on-site septic systems.

Mayor Anderson:

- thanked the members of the Planning Commission for attending the meeting and for all of their hard work;
- welcomed Commissioner Lively to the Planning Commission; and
- noted that one of the items that need to be completed on the priority list is the core area comprehensive plan update.

VIII. ADJOURNMENT

The special meeting adjourned at 5:55 p.m.

JIM COLVER, Deputy Borough Mayor

ATTEST:

MICHELLE M. MCGEHEE, CMC, Borough Clerk

Minutes approved: 07/19/05

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION AGENDA**

Timothy L. Anderson, Mayor
PLANNING COMMISSION
Mark Masteller, Chair
Helga Larson, Vice Chair
Rose Jenne
Larry LaGrone
Brit Lively
Faye Palin
David Webster

John Duffy, Manager
PLANNING AND LAND USE DEPARTMENT
Murph O'Brien, Planning and
Land Use Director
Sev Jones, Chief of Planning
Ken Hudson, Chief of Code Compliance
Paul Hulbert, Platting Officer
Priscilla M. Goff, Planning Clerk

April 18, 2005
Regular Meeting

Assembly Chambers
6:00 p.m.

- I CALL TO ORDER, ROLL CALL, AND DETERMINATION OF QUORUM
- II APPROVAL OF AGENDA
- III PLEDGE OF ALLEGIANCE
- IV CONSENT AGENDA
*(*All items listed with an asterisk (*) are considered to be routine and non-controversial by the Commission and will be approved by one motion. There will be no separate discussion of these items unless a Commission Member so request, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda)*
- V MINUTES
- VI INTRODUCTION FOR PUBLIC HEARING *(suggested public hearing for May 2, 2005)*
 - *A. **Resolution 05-23:** Modification of the existing Core Area Conditional use permit for the Medical Office Building on the hospital campus. The site location is UAF Ag. Station #1 Subdivision, Tract A, within T17NR01E Sec 15, S.M.
- VII COMMITTEE REPORTS
- VIII AGENCY/STAFF REPORTS
- IX AUDIENCE PARTICIPATION *(three minutes per person, for items not scheduled for public hearing)*
- X LAND USE CLASSIFICATIONS
- XI PUBLIC HEARING *(to begin at 6:30 p.m. - three minutes per person)*
 - A. **Resolution 05-20:** Little Lonely Lake, Lake Management Plan

- B. **Resolution 05-25:** Coastal Management Plan Amendment (*Written comments will be accepted through May 5, 2004. Planning Commission will consider Planning Commission Resolution 05-25 at their May 16, 2005 regular meeting.*)

XII CORRESPONDENCE & INFORMATION

- A. Items scheduled for upcoming Planning Commission meetings
B. Assembly special meeting minutes, March 14, 2005
C. Assembly regular meeting minutes, March 15, 2005

XIII UNFINISHED BUSINESS

XIV NEW BUSINESS

XV COMMISSION BUSINESS

XVI DIRECTOR COMMENTS

XVII COMMISSIONER COMMENTS

XVIII ADJOURNMENT (Mandatory Midnight)

In order to be eligible to file an appeal from a decision of the Planning Commission, a person must be designated an *interested party* pursuant to MSB 15.39.010. An *interested party* means, (a) the applicant before the Planning Commission; or (b) any person affected by the decision who appeared before the Planning Commission and made an oral or written presentation. The procedures governing appeals to the Board of Adjustment & Appeals are contained in MSB 15.39.010-250, which is available on the borough Internet home page, (<http://www.matsugov.us>), in the Borough Clerk's office, or at various libraries within the borough.



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Planning Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 745-9833 • Fax (907) 745-9876

Email: planning@matsugov.us

MEMORANDUM

DATE: May 25, 2005

TO: Coastal Management Plan Amendment File

FROM: Susan Lee, Planner I

SUBJECT: Dana Olson

On this date, Dana Olson spoke to me about the MSB coastal management plan amendment. She stated that this was her public participation time as she was unable to make the public hearings due to her work schedule. She wants to know why agriculture is not addressed in the plan. She also wants to know what land use plan the Borough is using since the comprehensive plan is outdated. She stated that the Forest Practices Act is tied to the Susitna Area Plan, therefore we need a land use plan. She stated that the NEPA process does not address social issues, therefore, this is social profiling.

I tried to explain to her that the borough plan must be updated in order to be in compliance with the new state regulations. If the plan is not updated it will sunset. I told her that additional public outreach would occur since an extension had been granted for submission of the plan.

RECEIVED

OCT 27 2005

BEESC

DANA L. OLSON
9 MAY 2005

MSB DISTRICT PLAN

13. I incorporate by reference the meeting I had with Murph^(MSB) O'Brien, in my comments; AND (my opt out) of CMA State Program.
14. MSB must address unfair labor practices AND unfair competition. Does Larry DeVito's^(DNR) State Agricultural director) & potentially affecting his own interests to preserve needed AND his interests (his interstructure) farming for himself AND NOT FOR ME. (Knik incinerator) 18 AAC 50 ~~18 AAC 50~~ (He was Assembly member) If this occurs MSB or assisting is he creating UNLAWFUL TAX SHEDDERS OR TAX EXEMPTION FOR AGRICULTURE State time? Since MSB did not address it (Knik incinerator) my comments not accepted; DNR A Party in (97219CU).

I think its best to re-think MSB not doing its Revision of 1970 Comprehensive PLAN. or removing the Susitna Area PLAN From reference (implementation does not come after A Framework), district PLAN.

Sincerely
Dana L. Olson
HC-35 Box 5438
Wasilla, AK 99654
9 MAY 2005

COPY to DNR Commissioner
Thomas Irwin

HANDOUT

Daniel Elliott

HC 31 Box 5196

Wasilla, AK 99654

5/6/05

Bristol Environmental & Engineering Services

Elizabeth Benson, Project Manager

2000 W. International Airport Road, #C-1

Anchorage, AK 99502

Matanuska-Susitna Borough
Planning Administration

MAY 06 2005

RECEIVED

Dear Elizabeth Benson,

I am writing in support of the proposed amended Borough's Coastal Zone Plan.

Having participated in all the Citizen Advisory Committee meetings, I am familiar with amending the Plan. This plan will help the Borough and its residents continue to have a voice directing future uses & activities within the district. The Friends of Mat. Su has always supported forward-thinking planning & local stakeholding; this plan supports & fosters those goals.

Designating the entire coastal zone as a recreation & tourism use area is key to the Borough's having meaningful input.

Knowing the constraints imposed due to changes to the ACMP, I would like to commend you, Elizabeth, in preparing well a document requiring speed, creativity & diligence and one which is still easily read. Good job.

Sincerely,

Dan Elliott

Rep. Friends of Mat. Su

MAY 09 2005

RECEIVED

HANDOUT

Dana L. Olson

HC-35 BOX 5438

Wasilla, AK 99654

9 MAY 2005

MSB Coastal District Plan and

Coastal Management Act of 1972; as

(OFFICIAL ENCOURAGEMENT TO DISCRIMINATE) SOCIAL PROFILING ^{amended.}

1. The 1990 amendment to the Act changed the focus from directly affecting. The ripeness doctrine applicability to change is applicable. (is ^{this} a change of position)? ^{or violate point-of-entry?}
2. It is not known if the ^{State} program will close or if the district plans will be extended (too much uncertainty). (deficiency in process) (defuse claim).
3. MSB has no capacity to make a finding "does not affect the coastal zone" in a state program using foreseeability as a legal enforceable policy. AS 46.03.040 not done. (dict on its face). Denial of foreseeability for lost is unconstitutional, as it takes up without compensation.
4. Removal of State Susitna Area Plan from prior incorporation supporting a national port McKenzie violates 16 U.S.C. A § 1456 (C) (1) (B). Unlawful implementation
5. a finding by a state (air quality) are inconsistent with the state coastal plan (SB 196 Sec 19 (1987) ^{Susitna Area Plan incorporated by reference}) may be overridden by U.S. Secretary of Commerce if the activity is consistent with the objectives of the [CZMA] or

DANA L. OLSON
9 MAY 2005

MSB DISTRICT PLAN

- is in the interest of national security"
I d. § 1456 (C) (3) (A) + (B) - (res-judica applicability)
why is the Knik incinerator still operating? It harms
big water dependent use supporting national security.
6. The state assertion of needing significant
interest in vicinity of proposed natural gas pipeline
conflicts with CMA itself and the
regulations. There was and is no
significant interest pending in least
stage. The right of way stage is contrary to
state law, an "enforceable policy" SB 196 SEC 19 (1987)
AND AK SURVIVAL VS DNA (1986)
7. I state that MSB consulted with Kenai Borough
as told by Kenai official
on right of way (located within
my section) at Port of Everett Sullivan
(MSB attendance) at Kenai Borough had booth.
Arena, of which I attended in the
past, and told to DNR officials at a
conference I had, I believe they
taped recorded it. I heard a tape
records go off. (insurance records)
8. I state a federal official ran me off
the road going to a pipeline ~~of~~ conference
in 2002 at Sodotna, and I was not
even opportuned for teleconferencing.
9. I filed a petition on public referendum
alleging no disclosure of right of way
for south central to Attorney general / dept
of law and other state officials.
(repeal applicability) . . .

DAWA L. OLSON
9 MAY 2005

MSB DISTRICT PLAN

10. Former DNR Commissioner; Harold Hinge ^{under} has a conflict of interest ^{impaired} having managed ^{my} property interest, as the DNR Commissioner ^{and} while joint tenancy is as was in affect (a legal question); and ^{now} serving on the state natural gas pipeline authority. ^{AK Survival US DNR (1987) is a pipeline standard (state equivalency of EIS of} I may be potentially affected. MSB Chase Comprehensive plan is implementing that roads (implementing right of ways) will be discouraged. The two entities are in conflict, with no visible means of resolving the issue; but injunctive relief. (Res-judica AND ripeness doctrine) Applicability.
11. A Format of (MSB coastal district) implementation changing joint-tenancy is unlawful AND government rationalization of property rights. Do you have the money to pay for All of this? Where is your assessment. I claim it is a necessary component. (Financial Impact)
12. A zoning implementation is not applicable to (ZMA. (CASE LAW).

DANA L. OLSON
9 MAY 2005

MSB DISTRICT PLAN

13. I incorporate by reference the meeting I had with Murph^(MSB) O'Brien, in my comments; AND (my opt out) of CMA state program.
14. MSB must address unfair labor practices AND UNFAIR Competition. Does Larry DeVid's^(DPR) State Agricultural director) & potentially affecting his own interests to preserve^{needed} AND his interests (his interstructure) Farming for himself AND NOT FOR ME. (Knik incinerator) 18 AAC 50
- (He was assembly member) If this occurs MSB or assisting UNLAWFUL TAX SHEDS ~~ON~~ IS he creating UNLAWFUL TAX SHEDS TAX exemption for Agriculture State time? Since MSB did not address it (Knik incinerator) my comments not Accepted; DNR A Party in (97219 CV).

I think its best to re-think MSB not doing its Revision of 1970 Comprehensive PLAN. or removing the Susitna Area PLAN From reference (Implementation does not come After A Framework), district PLAN.

Sincerely
Dana L. Olson
HC-35 Box 5438
Wasilla, AK 99654
9 MAY 2005

Copy to DNR Commissioner
Thomas Irwin

From: "Benson, Elizabeth" <ebenson@beesc.com>
To: "Susan Lee (E-mail)" <susan.lee@matsugov.us>, "Gabrielle LaRoche (E-mail)" <seabries@olypen.com>
Date: 5/2/05 4:47PM
Subject: FW: Coastal management

fyi

-----Original Message-----

From: James and Annette Harpster [mailto:harpaj@alaska.net]
Sent: Sunday, May 01, 2005 9:33 AM
To: Benson, Elizabeth
Subject: Coastal management

HANDOUT

The Mat-Su borough is trying to restrict and control all coastal waters in the Mat-Su borough. This is unacceptable. People should be able to enjoy these waters as they have in the past.

DNR should continue to monitor the coastal waters without further restrictions which are trying to be imposed by the Mat-Su borough. If the Borough were left to their own device, they would severely impact this region.

Annette Harpster

From: "Benson, Elizabeth" <ebenson@beesc.com>
To: "Susan Lee (E-mail)" <susan.lee@matsugov.us>
Date: 4/25/05 8:31AM
Subject: FW: North Lakes Community Council Comments

Will you double-check the public notice in the Frontiersman to see if it says May 9? And here is an email for the record. I'm printing and keeping the file for the record....but just in case you'd like to see this one.
E

-----Original Message-----

From: lizzy [mailto:lizzy@pci.net]
Sent: Sunday, April 24, 2005 8:16 PM
To: Benson, Elizabeth
Subject: North Lakes Community Council Comments

Dear Elizabeth,

Please include the comments below for the public hearing on the Public Review Draft of the Matanuska-Susitna Borough Coastal Management Plan.

Note to Mat- Su readers; Comments on the Matanuska-Susitna Borough Coastal Management Plan can be sent to ebenson@beesc.com, or slee@matsugov.us, at the Public Hearing, by mail, fax, or email by May 5, 2005, to Bristol Environmental & Engineering Services, Inc., 2000 West International Airport Road, #C-1, Anchorage, AK 99502. Fax 907-563-6713.

The Plan can be accessed at www.matsugov.us/planning,
http://www.larocheandassociates.com/Projects/matsu/matsu/s_dwnld.html ; and
www.alaskacoast.state.ak.us <<http://www.alaskacoast.state.ak.us/>> .

Regards,

Penny Nixon, President

North Lakes Community Council

5224 N. Birch Ln

Wasilla, Ak 99654

357-1747, Prompt #2

357-1748 FAX

<<mailto:73101.277@compuserve.com>> 73101.277@compuserve.com

GENERAL COMMENTS

This plan favors tourism and recreation over other economic activities critical to the long term survival of the economy in Alaska. The relative economic value of tourism in relation to other industries is not sufficient to warrant its development to the detriment of other types of economic activity. Indeed, in Hawaii, the tourism industry has largely resulted in a reduced ability for the residents to live there. The public's real needs have been totally excluded in favor of a transient and seasonal tourist industry highly

dependant on economic factors beyond the control of Alaskans. The crash of the fishing industry over the last 20 years should be a clear warning to those trying to make Alaskans dependant on one ephemeral industry.

SPECIFIC COMMENTS

1. In Chap 4.2 "Issues of Concern" the economic impact of increasing regulation should be added. These types of regulations have historically had significant and generally adverse economic impacts. A section for the anticipated economic impact should be included. These analyses should be rational, realistic and based on hard data, not the hype generally posited by local governments.
2. The title of Chap 4.2.2 should be "Coastal Access Issues" only with "Recreation, Tourism" dropped. Access issues are not limited to tourism or recreation, but includes such diverse issues as industry, fire fighting and many others.
3. In Chap 4.2.2, Item 6 needs to be amended to read " Adequate, safe, and maintained access to the coastal land and water resources upon which recreation and tourism uses and activities depend is one element of future economic growth and development. Other uses with significant economic impacts are oil and gas, mining and other natural resource exploration and extraction."
4. In Chap 4.2.2 Coastal Access Issues, Item 8 needs to be amended to include the word "PUBLIC". i.e. "Existing, regularly used PUBLIC trails need to be included as a reservation of right-of-way or easement when land is subdivided or developed." If public access is required, the appropriation of lands should be accomplished within the intent of of the US Constitution's 5th Amendment, not by requiring the subdivider to donate property to the public without compensation.
5. In Chap 4.2.2 Coastal Access Issues, Item 9 needs to be amended to affirm the rights of private property owners. Private property owners are not required to provide public access to lakes, rivers and streams across their lands. If public access is required, the appropriation of lands should be accomplished within the intent of of the US Constitution's 5th Amendment.
6. In Chap 4.2.2 Coastal Access Issues, Item 10 needs to be amended to affirm the rights of private property owners. Private property owners are not required to provide public access for hunting across their lands. If public access is required, the appropriation of lands should be accomplished within the intent of of the US Constitution's 5th Amendment.
7. The title of Chap 4.3.2, should be "Coastal Access Issues" only with "Recreation, Tourism" dropped. Access issues are not limited to tourism or recreation, but includes such diverse issues as industry, fire fighting and many others.

8. The public's real needs in Chapter 4.3 have been totally excluded in favor of a transient and seasonal tourist industry highly dependant on economic factors beyond the control of Alaskans. Chapter 4.3 should be completely rewritten to reflect economic reality and should be broad enough to include all forms of industry.



**Matanuska Electric
Association, Inc.**

P.O. Box 2929
Palmer, Alaska 99645-2929
Telephone: (907) 745-3231
Fax: (907) 761-9368

**Matanuska-Susitna Borough
Planning Division**

MAY 09 2005

May 9, 2005

RECEIVED

Susan Lee
Planning Division
Planning & Land Use Department
Matanuska-Susitna Borough
350 E. Dahlia Avenue
Palmer, Alaska 99645-6488

RECEIVED
MAY 11 2005

Re: Draft MSB Coastal Management Plan

BEESC

Dear Ms. Lee:

In response to the April 12, 2005 Public Notice, Matanuska Electric Association, Inc. (MEA) hereby submits its comments on the April 2005 Public Hearing Draft Revised Matanuska-Susitna Borough Coastal Management Plan (MSB-CMP). According to this Public Notice, these revisions were required by 2003 Alaska House Bill 191 (Chapter 24, SLA 2003). Section 1 of House Bill 191 states:

FINDINGS. The legislature finds that

(1) the Alaska coastal management program (ACMP) is intended to function with a minimum of delay and avoid regulatory confusion, costly litigation, and uncertainty regarding the feasibility of new investment;

(2) there is a need to update and reform the existing statewide standards of the ACMP so that they are clear and concise and provide needed predictability as to the applicability, scope, and timing of the consistency review process under the program;

(3) there is a need to update and reform the district coastal management plans under the ACMP so that the local enforceable policies within those plans are clear and concise, provide greater uniformity in coastal management throughout the state, relate to matters of local concern, and do not duplicate state and federal requirements;

(4) the state has chosen not to enact legislation similar to 42 U.S.C. 4321 - 4370f (National Environmental Policy Act of 1969, as amended) and, in furtherance of the legislative findings expressed in sec. 1(7), ch. 38, SLA 1994, the ACMP is not intended to take the place of such a program;

(5) to achieve these goals, statutory reform is needed; and

(6) to implement these needed reforms at the administrative level, it is in the best interest of the state for the development and

implementation of the ACMP to be transferred from the Alaska Coastal Policy Council to the Department of Natural Resources.

While recognizing that the Borough and its consultant had a relatively short time to prepare the MSB-CMP revisions proposed in the April 2005 Public Hearing Draft, it is evident that this draft is inconsistent in many respects with the legislative findings quoted above, and other requirements of State law. For example, implementing the transmission line undergrounding requirement would normally be directly contrary to MEA's legal obligations to minimize adverse impacts to wetlands and water bodies.

For the sake of brevity, MEA will address in detail only those inconsistencies directly affecting MEA. Most of the objectionable material in Volume I is repeated in the Appendix to Volume I. MEA's comments to Volume I apply equally to the materials in that Appendix. However, MEA strongly suggests that the entire MSB-CMP be rewritten to bring it into compliance with State law before this revision is submitted to the State for approval pursuant to Section 47(a) of 2003 House Bill 191. The Borough should have sufficient time to correct this document, particularly if 2005 Alaska Senate Bill 102 or one of the related 2005 House Bills is enacted this session.

As an initial matter, MEA believes that Chapter One, the Introduction, needs to be clarified with a statement that the MSB-CMP only applies to activities requiring state or federal permits within the boundaries of the Coastal Management District. See, 3 AAC 110.010(a) & (b). In the absence of this clarification, people may believe that this is an enforceable zoning type of ordinance and will be disappointed when activities are legally undertaken in a manner not consistent with the MSB-CMP. Similar disappointment apparently led in part to needless litigation in the recent case *Guiding Gateway's Growth v. Matanuska Electric Association, Inc.*, 3PA-05-826 CI. This requested clarification would further the legislative goals set out in 2003 House Bill 191 quoted above, by reducing future costly litigation.

For the same reasons, the Introduction should clearly identify those activities that are statutorily exempted from compliance with the MSB-CMP. For example, AS 46.40.096(g)(1)(A) excludes from consistency reviews those activities authorized by general or nationwide permits. When MEA constructs facilities in wetland areas subject to the jurisdiction of the United States Army, Corps of Engineers (CoE), most such construction is authorized by CoE Nationwide Permits 12, 14, 18, 23, 29, or 39, and thus statutorily exempt from MSB-CMP consistency review.

MEA also believes that Chapter Three, Coastal District Boundary needs to be reviewed as the current district boundary includes substantial areas of land outside of the coastal zone as defined in federal law. Specifically, 16 U.S.C.1453(1) defines the coastal zone as follows: **"The zone extends inland from the shorelines only to the extent necessary to control shorelands,** the uses of which have a direct and significant impact on the coastal waters, and to control those geographical areas which are likely to be affected by or vulnerable to sea level rise." (emphasis added) While State law may allow the Borough's over-inclusion of land in the coastal district, it is not required and can result in costly but inconsistent regulation of development that has no measurable impact on coastal waters.

MEA alone has constructed over 2,000 separate projects per year in the coastal zone as defined by the Matanuska-Susitna Borough and the Municipality of Anchorage during each of the past few years. If each of these projects were required to go through a coastal zone management program consistency review, the administrative burden would be overwhelming. The Borough cannot control what permit requirements the State and Federal governments might impose that would require it to conduct an MSB-CMP consistency review. However, the Borough can reduce the potential impacts of this program by redefining its Coastal District Boundary to the minimum required by law. The alternative is to run the risk of substantially increasing the cost of local government and the cost of electricity for residents of the Matanuska-Susitna Borough.

MSB-CMP Chapter 4, issue number 4.2.5(3) needs to be deleted as it violates the requirements in Section 1, Paragraph 3 of 2003 House Bill 191 that district coastal management plans not duplicate state and federal requirements. Utilities are already required by State law (AS 42.05.311-.321) to allow joint use of their facilities when the public's convenience and necessity require joint use. Thus, joint use is not an issue that needs to be resolved through an MSB-CMP consistency review and issue number 4.2.5(3) is an unnecessary duplication of state requirements.

Also, the Borough has no evidentiary basis for stating that:

Coordinated extension and construction of utility lines and corridors is necessary to avoid waste of land and capital, interference with other development needs, creation of unnecessary visual pollution, and degradation of important scenic and recreation values.

Each utility is allowed to develop their systems in a manner that makes the most sense for the utility services they provide and the consumers they serve. The Borough has no authority to order joint use, that power has been granted to the Regulatory Commission of Alaska. Further, development of land by parties with an ownership interest in that land cannot rationally be deemed a "waste" of that land. Land is owned, particularly by private parties, specifically so that it can be utilized. Only when land is used in violation of ownership rights does waste occur. The same is true with capital resources, and the Borough has no basis for determining whether any private capital expenditure is a "waste" to the owner of those resources.

Utility development performed within the boundaries of utility ownership rights cannot interfere with other development needs. If there is a dispute about who has the right to develop a parcel of land, then state law is already available to resolve those disputes. An MSB-CMP consistency review would add no benefit to that legal process.

While some people undoubtedly do consider visible utility construction, whether overhead or underground, to be a form of visual pollution that degrades important scenic and recreation values, the Borough received testimony during the public hearing on Borough Ordinance 05-006 (SUB) that the sight of power lines was viewed as a blessing by other people. In view of that conflicting testimony, it would clearly be arbitrary and capricious for the Borough to unilaterally declare utility lines a form of visual pollution. Further, if the Borough denied economical access to utility services by persons who desire such service from utilities desiring to provide such service, that is probably a

taking of private property for which the Borough would have a constitutional obligation to pay compensation. For all of these reasons, issue number 4.2.5(3) should be deleted.

MSB-CMP Chapter 4, issue number 4.2.6 should also be deleted in conformance with the legislative findings set out in 2003 House Bill 191, Section 1, Paragraph 3. Issue number 4.2.6 is merely a brief summary of the requirements set forth in 11 AAC 112.230, and adds no local issues to any ACMP review that a new energy facility might require. Thus, this is merely duplicative of state requirements.

MSB-CMP Chapter 4, Section 4.3.1, Goal 2, Objective C appears to indicate that the Borough intends to develop water dependent utility infrastructure. MEA's concern is heightened in this regard due to the allegations in Regulatory Commission of Alaska Docket No. U-04-078 that water dependent infrastructure built by the City and Borough of Juneau do not meet applicable safety codes required for receipt of service from their certificated electric utility. MEA is the only certificated electric utility in the Borough, and thus any such development intended to serve the public will have to be constructed and maintained pursuant to the conditions set out in MEA's tariff. In Order No. U-03-095(7), the Regulatory Commission of Alaska has confirmed that certificated public utilities such as MEA have the right and the obligation to refuse service to sub-standard consumer electric systems.

MSB-CMP Chapter 4, Section 4.3.5, Goal 1, Objective A, should be deleted as beyond the scope of Borough authority. MEA has an obligation under AS 42.05 to serve persons within its certificated service territory who desire electric utility services under the terms of MEA's tariff. This obligation exists regardless of whether the State, the Borough, or other utilities have plans to extend services to those persons. The Borough has no authority to override this statutory obligation to serve, and is prohibited by AS 42.05.251 and 42.05.641 from unreasonably interfering with MEA's construction activities aimed at fulfilling this obligation. Thus, while the Borough can make its resources available to encourage coordination of infrastructure expansion activities, it cannot require such coordination.

MSB-CMP Chapter 4, Section 4.3.6 should also be deleted in conformance with the legislative findings set out in 2003 House Bill 191, Section 1, Paragraph 3. Section 4.3.6 is merely a brief summary of the requirements set forth in 11 AAC 112.230, and adds no local issues to any ACMP review that a new energy facility might require. Thus, this is merely duplicative of state requirements.

MSB-CMP Section 5.10.2 requires a definition of the term "transmission lines" in order to clarify the intent of the MSB-CMP when that term is used in Chapter 6 of the MSB-CMP. Although contrary to industry usage, the Borough could define this term to include all lines used to transmit electric energy regardless of voltage. Within the electric utility industry, the term transmission lines would refer only to the higher voltage (currently 115 kV to 345 kV in the Borough) lines connecting generation stations with transmission substations. The term "sub-transmission" would be applied to medium voltage (currently 29 kV to 115 kV in the Borough) lines connecting generation stations and transmission substations with distribution substations. The term "distribution" lines would be applied to the lower voltage (currently less than 29 kV in the Borough) primary and secondary

lines connecting consumers to distribution substations. This clarification is required under 2003 House Bill 191, Section 1, Paragraph 2.

MSB-CMP Section 6.1.6, Enforceable Policy RT-2 needs to be modified to include utility infrastructure required by water-dependent structures as an allowable use within 75 feet of OHW. Enforceable Policy RT-3 needs to be modified to specifically authorize cutting or eradication of vegetation as required for construction of new utility infrastructure authorized under Enforceable Policy RT-2 and as required to protect and maintain existing utility infrastructure within 75 feet of OHW. Existing utility infrastructure and new utility infrastructure authorized under Enforceable Policy RT-2 needs to be expressly exempted from the requirements of Enforceable Policies RT-4 and RT-5. These modifications are required to by 2003 House Bill 191, Section 1, Paragraph 1.

MSB-CMP Section 6.1.6, Enforceable Policy RT-6 should be clarified by expressly recognizing that utility infrastructure required for water dependent, water related, or other exempted uses and activities are given the same priority as the facilities being served by the utility infrastructure. This clarification is consistent with the requirements set forth in 11 AAC 112.240.

MSB-CMP Section 6.3.3, Enforceable Policy TU-3 (Visual Access) needs to be deleted, unless the Borough is redefining the term "transmission lines" to refer to only distribution lines as defined in the industry definition provided above. This Policy states:

Where practicable, transmission lines shall be located underground or in a manner that does not block or interfere with access to scenic vistas.

In the Appendix to this Draft Revision, the Borough adopts the definition for "practicable" stated in 11 AAC 112.990(18). Under this definition, and for the foreseeable future, there will be no circumstances where it is practicable to locate higher voltage transmission lines or medium voltage sub-transmission lines underground. Undergrounding such lines is so impracticable that there is simply no reason to address this issue when ACMP reviews are required for construction of electric utility projects in the Borough. It should be noted that the Municipality of Anchorage has recently limited its undergrounding requirements to only distribution lines with enactment of the Assembly Ordinance 2005-2 because undergrounding of transmission and sub-transmission is currently impracticable. Even for distribution lines, undergrounding is often not practicable. Deletion of Enforceable Policy TU-3 is necessary for compliance with 2003 House Bill 191, Section 1, Paragraph 1 in order to avoid costly litigation on undergrounding issues.

MSB-CMP Section 6.3.3, Enforceable Policy TU-3 (Corridor Consolidation and Integration) should also be deleted. This is clearly a NEPA type of requirement prohibited by 2003 House Bill 191, Section 1, Paragraph 4. It should be noted that, contrary to the statement in this Policy, 11 AAC 112.240 does not mandate consolidation of transportation and utility corridors, does not mandate studies of transportation and utility corridor consolidation, and does not mandate visual impact analysis. It will generally not be practicable for MEA to acquire right-of-way sufficient to consolidate its infrastructure with that of other utility and transportation systems, and MEA doubts that

any other utilities or transportation agencies will acquire excess rights-of-way just to accommodate installation of MEA facilities.

The second sentence of MSB-CMP Section 6.3.3, Enforceable Policy TU-4 should also be deleted. This is clearly the type of NEPA documentation prohibited by 2003 House Bill 191, Section 1, Paragraph 4.

MSB-CMP Section 7.9.2, Major Projects, defines all Transportation/utility facility and corridor designation or construction as major projects. As noted above, MEA has over 2,000 construction projects per year within the designated Anchorage and Mat-Su coastal zones. Virtually all of these projects are so small as to have no measurable impact on coastal resources. This overly broad definition needs to be revised so that implementation becomes practicable, particularly with regards to Section 7.9.4 pre-application meetings.

Regarding Volume II of the MSB-CMP, Section 4.6, Goal 6.1 is laudable if the Borough is willing to dedicate its own Point MacKenzie lands to this purpose. However, to the extent the Borough intends to designate corridors in a manner that does not meet utility needs in a cost effective manner, the Borough should be prepared to have its designated corridors left unused.

MSB-CMP Volume II, Section 4.6, Goal 6.5 should be deleted as inconsistent with the requirements of 2003 House Bill 191, Section 1, Paragraphs 1 – 3. The term minimize is not subject to clear definition. Unless the Borough is going to adopt enforceable air quality standards that differ from those adopted by the State and Federal governments, this is merely duplicative of those requirements and thus should not be included in the MSB-CMP.

MSB-CMP Volume II, Section 5.7.1 is wrong in its discussion under the heading of *Electricity*. Chugach has announced that sometime between 2008 and 2011, its load requirements will exceed its generation capacity. Thus, in the absence of new generation resources being developed within the very near future, there is not a "good supply of readily available, inexpensive electrical power" available for future development in Point MacKenzie. This problem has been exacerbated by the impending shortage of natural gas in Southcentral Alaska. At this point, MEA is studying its options to ensure that a good supply of reasonably priced electrical power will be available, but adoption of development adverse regulations by the Borough will only result in increased costs for future electric utility services. MEA would like to note that the underground electric utility lines discussed in this section are distribution lines as defined above, not transmission lines.

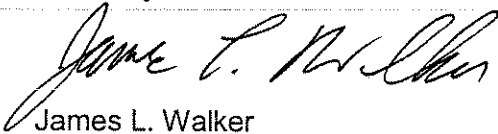
MSB-CMP, Volume II, Section 6.5, Enforceable Policy PMTU2 (Underground Utilities) should be deleted for the reasons discussed above regarding MSB-CMP Volume I, Section 6.3.3, Enforceable Policy TU-3. In addition to those reasons, given current technology and costs it will not for the foreseeable future be "feasible and prudent" as that phrase is defined in the Appendix to Volume I of the MSB-CMP to underground transmission and sub-transmission lines as defined above. Inclusion of this requirement in the MSB-CMP will only lead to costly litigation and thus it is inconsistent with the requirements of 2003 House Bill 191, Section 1, Paragraph 1.

MSB-CMP, Volume II, Section 6.6.1, Guidance Policy GTU1 needs to be rewritten to expressly exclude private utility corridors from the requirement to accommodate pipeline construction. Otherwise utility easements that are adequate for electric distribution lines may have to be substantially enlarged to accommodate pipelines that may never be built.

Regarding Appendix A to MSB-CMP Volume II, Enforceable Policy PMTU2 (Underground Utilities) needs to be deleted for the reasons discussed above. Guidance Policy GTU5 is theoretically true. However, to the extent that grants and loans are available for the extension of utility lines to areas that are currently unserved, "economically extended" is a somewhat un-definable term. This Policy could be clarified if the word "economically" were deleted.

MEA wishes to reiterate its position that the April 12, 2005 Public Review Draft of the revised MSB-CMP should be re-written to ensure compliance with the requirements of 2003 House Bill 191, Section 1. In doing so, MEA believes that the residents of the Borough would be better served if the coastal district boundary were revised to include only those areas where development will have a direct and significant impact on coastal shorelands. If you have any questions, please call me at 761-9275.

Sincerely,

A handwritten signature in black ink, appearing to read "James L. Walker". The signature is fluid and cursive, with the first name "James" being more prominent.

James L. Walker
Regulatory Affairs Manager

Jean Holt
HC01 Box 6472
Palmer, Ak. 99645
(907) 745-5577

May 13,2005

Ms. Elizabeth Benson
Bristol Environmental & Engineering Services, Inc.
2000 W. International Airport Rd.,#C-1
Anchorage, Ak. 99502

Dear Ms. Benson:

Please consider my comments on the Public Review Draft of the revised Matanuska-Susitna Borough Coastal Management Plan(MSBCMP).

Here are a few suggestions that I would like you to consider. These may result in developing more focused approaches with the enforcement policy side vs. the issues, concerns and objectives side that has been developed by the citizen advisory group. First, I would like to commend the group who have taken the energy to address this major task in such a short time frame.

Under 6.0 Enforceable Policies

6.1.4 Adequately Addressed (It is difficult to understand, clarification is needed.)

Under Goals & Objectives

4.3.1 Coastal Development

Goal 1 To maximize MSB involvement in coastal land and water resource use and developments decisions within the District.

Add an Objective D- continue to maintain the borough's regulation waterbody setback ordinance.

4.3.2 Recreation, Tourism and Coastal Access

Goal 1 To ensure the long-term viability of the high-quality recreation experience found in the MSB.

Add to Objective B- evaluate the impact of commercial and "residential" development. (With the explosive population growth and lakeside development,they will have the most immediate obvious effects on the lake's water quality.)

Goal 2 To promote resident-owned recreation and visitor-oriented business.

Objective A- Why aren't we addressing the "impact" issues as under 4.3.2, Goal 1, Objective B?

4.3.3 Natural Hazards

Add Objective D- continue to promote the volunteer lake monitoring programs.
(Thus ensuring up to date and comprehensive water quality analyses that in past few years are establishing a base-line data to achieve these goals.)

Under 6.0 Enforceable Policies

6.1.5 Designated and Tourism Use Areas-(What are those areas? Need clarification.)

Under Goals & Objectives

Goal 4 To promote and maintain access opportunities to coastal areas for purposes of recreation, coastal development and transportation and utilities

Objective A-(In reference to what, private or public? All waters are a public resource.)

Under 6.1.6 Enforceable Policies

Alterations to Surface Water

RT-1 (Policy states it is not allowed but it has been allowed in the past and no enforcement. There has been a tremendous amount of unauthorized bank stabilization and lake fill taking place.)

Setback Requirements

RT-2 (Very important since this is the only crucial regulation with enforcement that exists in the Borough. More clarification definitely needs to address what the "last" sentence states: "Other uses and activities within 75 feet of OHW are also allowable if the proposed development will have no significant adverse impact to physical and biological features". Is there measurable evidence to relate " significant"? The use of scientific data needs to address this important last sentence of enforceable policy.) Refer to 4.2.7

Important Habitat Issues and 4.2.8 Air, Land and Water Quality Issues.(These Goals & Objectives cannot be meant with existing enforceable policy.)

RT-3 (Only actual time, these Best Management Practices are referred to is after a variance is granted to an applicant as part of the conditions to the variance with no further follow-up for enforcement.)

RT-4 "habitable structures" need to be stated.

Here is a list of reference materials that I would like to see added to Appendix D.

Vegetated Buffers in the Coastal Zone by Desbonnet, Pogue, Lee, Wolff; Coastal Resources Center, Rhonde Island Sea Grant, University of Rhonde Island, July 1994
Streambank Revegetation and Protection. a guide for Alaska by Gay Muhlberg; ADFG and Nancy J. Moore; ADNRR Technical Report No. 98-3, March 1998
Landowners Guide to Fish Habitat Conservation and Restoration Practices, Technical Report No. 01-3, March 2001, compiled by William Hauser and Edward Weiss
Landscape Planning Environmental Application by William Marsh
The Citizen's Environmental Monitoring Program Partnership of the Cook Inlet Watershed, Annual Report 2003

Minnesota's Statewide Standards for "Management of Shoreland Areas" MDNR, July 1989
Water Quality Affects Property Prices: A Case Study of Selected Maine Lakes; Michael, Boyle, Bouchard, Feb. 1996
Matanuska-Susitna Borough Shoreland Setbacks; Analysis & Recommendation prepared by Land Design North
Shorelands Management Study; Mat-Su Borough Planning & Land Use Dept; Code Compliance Division, Dec.1998
Property Owners Guide to Shoreline Landscaping in Mat-Su Borough by Dept. of Planning & Land Use, Revised June 2003
Cottonwood Creek Watershed compiled by Dan Moore; ADFG, 1997-
Limnology of Big Lake; Southcentral by Paul Woods; 1983-84

It is important that the MSBCMP first and foremost sets forth enforceable policies to maintain and enhance the water quality. Since the state government has left this issue in the hands of local government, we are even more responsible to have within the Borough's framework an iron-clad plan and not one that is superficial. One that withstands the pressures of the fastest growing community in the State of Alaska and preserving our lakes, streams and quality of living.

Sincerely,

Jean Holt

cc: Ms. Susan Lee; MSB Coastal Program Coordinator

From: "Benson, Elizabeth" <ebenson@beesc.com>
To: <mark_minnillo@dnr.state.ak.us>, <mark_minnillo@dnr.state.ak.us>, <larry_standley@ak.blm.gov>, <kenton_taylor@ak.blm.gov>, <john.r.klutz@poa02.usace.army.mil>, <larry.d.bartlett@poa02.usace.army.mil>, <Kellogg.Greg@epamail.epa.gov>, <hill.burney@epa.gov>, <gabrielson.john@epa.gov>, <john.louie@faa.gov>, <david.turner@ferc.gov>, <mike.henry@ferc.gov>, <rcoleman@fs.fed.us>, <mary_nation@fws.gov>, <steve_brockmann@fws.gov>, <Leonard_Corin@fws.gov>, <david.johnston@mms.gov>, <jon.kurland@noaa.gov>, <jeanne.hanson@NOAA.gov>, <katharine.miller@NOAA.gov>, <joan_darnell@nps.gov>, <heather_rice@nps.gov>, <mdombkowski@cgalaska.uscg.mil>, <cmcnutt@cgalaska.uscg.mil>, <matthew_lacroix@dnr.state.ak.us>, <graham_storey@commerce.state.ak.us>, <larry_bright@fws.gov>, <francis_mann@fws.gov>, <jack.j.hewitt@poa02.usace.army.mil>
Date: 4/18/05 7:43AM
Subject: Matanuska-Susitna Borough Coastal Management Plan - 2005 Public Review Draft

This is to notify you that the MSB Coastal Management Plan, 2005 Public Review Draft, will be available for review beginning April 18, 2005.

The Matanuska-Susitna Borough invites public comment on the Public Hearing Draft of the revised Matanuska-Susitna Borough Coastal Management Plan. The deadline for the receipt of all written and verbal comments is May 9, 2005. As required and provided in the provisions of House Bill 191 (Chapter 24, SLA 2003), the Matanuska-Susitna Borough has developed the Public Review Draft of the Matanuska-Susitna Borough CMP in accordance with the revised Alaska Coastal Management (ACMP) statutes at AS 46.39 and AS 46.40 and the new ACMP regulations at 11 AAC 110, 11 AAC 112, and 11 AAC 114.

Comments may be provided at the Public Hearing, or by mail, fax, or email by May 9, 2005 to Bristol Environmental & Engineering Services, Inc., 2000 West International Airport Road, #C-1, Anchorage, AK 99502. Fax 907-563-8713 or email ebenson@beesc.com <mailto:ebenson@beesc.com>.

The Public Review Draft of the Matanuska-Susitna Borough CMP is available at the following websites:
www.matsugov.us/planning <<http://www.matsugov.us/planning>>
http://www.larocheandassociates.com/Projects/matsu/matsu/s_dwnld.html
http://www.larocheandassociates.com/Projects/matsu/m_rphd.html

and www.alaskacoast.state.ak.us <<http://www.alaskacoast.state.ak.us>>.

Copies of the Public Hearing Draft may be reviewed at the Borough Administration Office in Palmer and The Public Review Draft of the MSBCMP is available at the Matanuska-Susitna Borough Planning Department and the Palmer, Wasilla, Sutton, Talkeetna, Willow, Big Lake, and Trapper Creek Libraries.

Thank you.

CC: "Katharine Heumann (E-mail)" <Katharine_Heumann@gov.state.ak.us>, "Sally Cox (E-mail)" <sally_cox@commerce.state.ak.us>, "Sydney Mitchell (E-mail)" <sydney10@mac.com>, "Gabrielle LaRoche (E-mail)" <seabries@olypen.com>, "Susan Lee (E-mail)" <susan.lee@matsugov.us>

From: "Benson, Elizabeth" <ebenson@beesc.com>
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<francis_mann@fws.gov>, <jack.j.hewitt@poa02.usace.army.mil>
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www.matsugov.us/planning <<http://www.matsugov.us/planning>>
http://www.larocheandassociates.com/Projects/matsu/matsu/s_dwnld.html
http://www.larocheandassociates.com/Projects/matsu/m_rphd.html

and www.alaskacoast.state.ak.us <<http://www.alaskacoast.state.ak.us>>.

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Thank you.

CC: "Katharine Heumann (E-mail)" <Katharine_Heumann@gov.state.ak.us>, "Sally Cox (E-mail)" <sally_cox@commerce.state.ak.us>, "Sydney Mitchell (E-mail)" <sydney10@mac.com>,
"Gabrielle LaRoche (E-mail)" <seabries@olypen.com>, "Susan Lee (E-mail)" <susan.lee@matsugov.us>

MSB COASTAL MANAGEMENT PLAN AMENDMENT
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***Friends of Mat-Su (FOMS)**

Dan Elliott

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Wasilla, AK 99654

* Confirmed



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Planning Division

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Phone (907) 745-9833 • Fax (907) 745-9876

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HANDOUT

5/16/05

MEMORANDUM

DATE: May 16, 2005

TO: Planning Commission

FROM: Murph O'Brien, Planning & Land Use Director *(MWO)*

SUBJECT: COASTAL MANAGEMENT PLAN AMENDMENT

The Borough and their consultants have been working on the on the Coastal Management Plan Amendment in order to meet the statutory deadline of July 1, 2005 for plan submission. On May 10, 2005, Senate Bill 102 was passed which extended the state standards and district plan submission deadlines. The new deadline for submission of the amended coastal management plans has been extended to March 1, 2006. Due to the abbreviated time frame the local districts were originally given by the State, a limited public outreach program was conducted. The Borough Assembly requested that more public outreach be conducted on the plan amendment, if this extension was granted. Now that the extension has been granted for plan submittal to the State, the Borough will be conducting more public outreach regarding the plan amendment.

The Planning Commission can still hold tonight's public hearing on the plan amendment. We recommend the public hearing be closed tonight, after people have had the opportunity to testify. A new public hearing can be scheduled prior to the draft plan amendment being forwarded to the Assembly. The Assembly will hold their own public hearing prior to acting on the draft coastal management plan. The Assembly must authorize the submittal of the draft plan revision to the State to meet the statutory deadline. The Borough will have to negotiate with the Department of Natural Resources for any revisions that may be required to the final plan. The Planning Commission and Assembly will hold a public hearings in order to approve the final plan.

A new schedule will be provided to you once it is developed. Please contact Susan Lee or me if you have questions.

Teleconference Meeting Summary

1/05/05

MEETING OVERVIEW

OPMP hosted an ACMP District teleconference at 9 AM on Wednesday, January 5, 2005. The purpose of the teleconference was to further address *Responses to Questions Posed at the District Workshop 10/20-10/22 2004*.

Within that context, OPMP discussed a new tool for guiding the development of district enforceable policies. The District Enforceable Policy (DEP) Decision Tree is now available on the web at:

<http://www.alaskacoast.state.ak.us/Plans/intro.htm>

Within the Decision Tree, step #7 refers to the concept of “adequately addressed”. This concept was discussed in light of the current interpretation as stated in step #7. This clarifies previous guidance regarding “adequately addressed” as presented in the program amendment at 5.3.3 and in the Responses to Questions posed at the ACMP Coastal District Workshop, Question 4. Written guidance on “adequately addressed” will be forthcoming.

Kerry Howard, OHMP director, provided information regarding the geographic extent of OHMP’s authority to manage fish habitat. Summarily, OHMP’s authority is rooted in AS 41.14.840 and 870, which covers anadromous and resident fish habitat from stream bank to stream bank, below ordinary high water. The Habitat Standard at 11 AAC 112.300 extends OHMP’s authority under the ACMP to address management within the specific riparian management areas as defined at 11 AAC 112.300(c) (2).

Coastal districts and consultants expressed their concern with being able to write enforceable policies and identify the boundaries for designated areas with six months to go and the guidance on how to write enforceable policies is still evolving.

OPMP prepared example enforceable policies for the October workshop, and will revisit those to see if any changes are necessary, given the interpretation of “adequately addressed” and the limits on designating areas on federal lands. Also, OPMP has been working on revising the sample enforceable policies prepared when HB 191 was before the legislature. Those enforceable policies are being revised to comply with the ACMP regulations adopted in 2004.

ADDITIONAL QUESTIONS:

1. What policies can a district write for OCS activities?
2. How can a district write erosion control policies if DEC and the COE address erosion? Would they be allowed under the natural hazards designated areas?

WHAT TO EXPECT:

1. Written clarification of the adequacy issue
2. Sample District Enforceable Policies from the workshop
3. Sample District Enforceable Policies, from HB 191
4. Graphic representation of the DEP Decision Tree
5. Report on designations, AMSAs and SAMPs on federal land discussion with OCRM
6. How to write enforceable policies to specify whether or not activities are allowed within designated areas, AMSAs or SAMPs
7. What erosion control enforceable policies a coastal district could potentially write



**Matanuska-Susitna Borough
Planning & Land Use Development
350 East Dahlia Avenue
Palmer, Alaska 99645**

**MATANUSKA-SUSITNA BOROUGH
COASTAL MANAGEMENT PROGRAM
PLAN AMENDMENT INFORMATION
October 2005**



For More Information Contact:
Susan Lee, Planner
Matanuska-Susitna Borough
Planning & Land Use Department
907-745-9851
OR
Elizabeth Benson, Contractor
907-563-0013

MATANUSKA-SUSITNA BOROUGH COASTAL MANAGEMENT PROGRAM PROPOSED PLAN AMENDMENT

COASTAL MANAGEMENT PLANNING HISTORY

The Matanuska-Susitna Borough (Borough) Coastal Management Plan (Plan) was adopted in 1984, and the Point MacKenzie Area Meriting Special Attention (AMSA) was adopted in 1993, as an amendment to the 1984 Plan. The Plan guides the management of uses and activities that affect coastal resources and provides a mechanism for the Borough to participate in state and federal permit decision-making.

HOW HAS THE PROGRAM CHANGED?

In 2003, House Bill 191 was passed amending the Alaska Coastal Management Program (ACMP) and required that local plans be amended. Much of the 1984 Borough Plan did not conform to the new state requirements. The Plan may not include policies that address uses and activities on rivers, lakes, and streams, even if those waterbodies lie within the MSB coastal zone. Plan policies may only be written for uses and activities affecting marine (salt) coastal waters.

WHAT IS A PRACTICAL SOLUTION FOR THE BOROUGH?

The Borough's coastal zone encompasses 4,000 square miles of valuable watersheds, wetlands, uplands, rivers, lakes, and streams. All of these are important Borough resources and influence the quality of the Borough's coastal marine environment. New state regulations require the Borough to assign a designation to ensure that the Borough continues to have local input on proposed development occurring adjacent to or on rivers, lakes, and streams within the Borough's coastal zone. State-approved designations are limited to: recreation, tourism, natural hazards, major energy facilities, subsistence, commercial fishing and seafood processing, and archeology/history. The most suitable designation for the Borough is the Recreation and Tourism Use Designation. The proposed Designation does not include the Point MacKenzie AMSA, which is designated separately as a Major Energy Facility Use Area and has its own set of enforceable policies. The Designation allows the Borough to continue to have an opportunity to review development actions that require state or federal permits.

FREQUENTLY ASKED QUESTIONS

How does the Plan affect development? The program enhances development opportunities by providing developers information on appropriate local requirements early in the process and helps avoid costly after-the-fact permits and retrofits.

Will residential, commercial, and industrial development still be allowed? Yes. The Designation does not create a zoning district. All development will be considered, just as it is now under the current plan. Many major developments in the Borough are located in the coastal zone, including the Parks Highway Reconstruction, Lowes, Home Depot, and the new hospital, to name a few.

Will private lands stay in private ownership? Yes. The proposed Designation does not turn the Borough's coastal zone into a park. Private lands remain private. Public lands remain public. Development can, and will continue, to occur.

Will commercial and industrial development at Port MacKenzie still be allowed? Yes. Both the AMSA and Major Energy Facility Use Designation support industrial and commercial development and supporting facilities.

How will adopted Lake Management Plans be affected by the Designation? These plans are adopted under a separate ordinance and will not be affected.

Can I construct, use, and maintain my private dock? Can I place boardwalks, pedestrian ramps, boat ramps, steps, and ladders? Yes. Many uses and activities have already been pre-approved for the coastal zone provided they can meet certain conditions. The proposed Designation does not affect any pre-approved uses and activities.